IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2390 OF 2004
IN
INCOME TAX APPEAL (L) NO.785 OF 2004

The Commissioner of Income Tax .. Appellant.

V/s.

Daswani & Company .. Respondent.

Mr.Ashok Kotangale i/by Pankaj Kapoor for the appellant.

Ms.Beena Pillai i/by D.M. Harish & Co. for the respondent.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 16TH JULY, 2007.

P.C. :

1. Perused the affidavit filed on behalf of the respondent opposing condonation of delay. On perusal of para 3 of the affidavit in support of the notice of motion filed by Anil Sant and additional affidavit filed by Arvind Deshpande, copy of which has been placed before us by the learned counsel for the respondents, though not on record, we find that the file was sent to the Ministry of Law some time after 19th May, 2003 and the appeal memo was drafted only on 15th June, 2004. There is no explanation for the delay between these two dates.

2. Considering the above, the cause shown would not amount to sufficient cause. The notice of motion is dismissed with no order as to costs.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)